

Untitled

Swidler Berlin Shereff Friedman, LLP

Kevin Hawley  
Direct Dial: (202) 424-7538  
Email: KMHawley@Swidlaw.com  
3000 K Street, NW, Suite 300  
Washington, DC 20007-5116  
Telephone (202) 424-7500  
Facsimile (202) 424-7645  
www.swidlaw.com

New York Office  
405 Lexington Avenue  
New York, NY 10174  
(212) 758-9500 FAX (212) 758-9526

March 29, 2001

VIA FEDERAL EXPRESS/EMAIL

Mary L. Cottrell, Secretary  
Department of Telecommunications & Energy  
Commonwealth of Massachusetts  
One South Station, Second Floor  
Boston, MA 02110

Re: D.T.E. 01-34 Investigation of Verizon-Massachusetts's Provision of Special Access Services

Dear Ms. Cottrell:

Please accept for filing in the above-referenced proceeding the original and one copy each of the attached "Motion to Intervene of El Paso Networks LLC."

Very truly yours,

Kevin Hawley  
cc: Joan Foster Evans, Esq.  
Michael Isenberg, Esq., Telecommunications Director  
Attached Service List (w/enc.)

DEPARTMENT OF TELECOMMUNICATIONS  
COMMONWEALTH OF MASSACHUSETTS

Untitled

Investigation by the Department )  
of Telecommunications and Energy )  
on its own motion pursuant to )  
G.L. c. 159, §§ 12 and 16, into Verizon ) D.T.E. 01-34  
New England Inc. d/b/a Verizon )  
Massachusetts' provision of )  
Special Access Services )

MOTION TO INTERVENE  
OF EL PASO NETWORKS, LLC

Pursuant to 220 CMR § 1.03, El Paso Networks, LLC ("EPN"), by undersigned counsel, hereby petition for leave to intervene as a party in this docket. In support of its petition, EPN states as follows:

1. Applicant EPN is a Delaware limited liability company affiliated with El Paso Energy Corporation ("El Paso Energy"). El Paso Energy is a publicly traded corporation organized under the laws of the State of Delaware. On January 30, 2001, EPN filed its application with the Department for authority to provide facilities-based and resold interexchange and local exchange telecommunications in Massachusetts. EPN's principal place of business is located at:

1001 Louisiana Street

Houston, Texas 77002

Tel: (713) 420-2080

Fax: (713) 420-6400

2. EPN has a substantial and specific interest in this proceeding sufficient to justify its intervention as of right. Under Sections 251 and 252 of the Telecommunications Act of 1996, CLECs have a right to use Verizon-MA's transmission loops and other facilities to provide telecommunications service on rates, terms and conditions that are just and reasonable and nondiscriminatory. See 47 U.S.C. § 251(c)(2). As customers of Verizon-MA, with the right to use Verizon's local exchange facilities to provide retail telephone service, EPN is specifically and substantially affected by the terms and conditions under which Verizon-MA provides special access services to CLECs and others.

3. EPN understands that a number of CLECs have experienced problems relating to the quality and timeliness of special access services and the responsiveness of Verizon when problems are identified. Because EPN may purchase such services in the near

Untitled

future, it hereby seeks to intervene in this proceeding to ensure that these problems are quickly resolved and that its interests are protected.

#### CONCLUSION

For the forgoing reasons, EPN respectfully requests that the Department grant it the right to intervene in this proceeding.

Respectfully submitted.

---

Eric J. Branfman  
Kevin Hawley  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W.  
Suite 300  
Washington, D.C. 20007  
(202) 424-7500

Counsel for El Paso Networks, LLC

Dated: March 29, 2001